

May 10, 2007 - OpEd on New Hampshire Audit Report

Voice from the Desert, News and Opinion on the Crisis in the Catholic Church, Carolyn Disco, Chairperson of the VOTF New Hampshire Survivor Support Working Group, authored the following op-ed piece on the recently released audit of the Roman Catholic Diocese of Manchester by New Hampshire Attorney General Kelly Ayotte.

\* \* \*

State finds 'Tone at the Top' major problem in church audit

The 2006 audit of the Roman Catholic Diocese of Manchester by New Hampshire Attorney General Kelly Ayotte was released last week midst both praise and pointed criticism. The state audited the church's implementation of its sexual abuse policy, and its compliance with an Agreement it signed in 2002 to avoid criminal prosecution for child endangerment - a charge, with perjury as part of the planned indictment, that the diocese admitted meant a likely conviction.

Word games

Ayotte acknowledged substantial progress in the training and screening of church personnel, and the successful completion of a diocesan action plan based on deficiencies found in the 2005 audit. All personnel are now compliant with training and screening requirements; and staffing, resources and database systems have been upgraded - though the documentation necessary to verify all screening and training is still lacking. Nor is there a "formal mechanism to record and track" noncompliance matters.

But the Attorney General particularly cited Rev. Edward Arsenault, the delegate for ministerial conduct, for word games and an uncooperative attitude. Arsenault responded that he had answered every question with "great candor and honesty," while the state found a "lack of detailed information and candor." The "tone at the top" was the first item in the state's letter to Bishop John McCormack, who was lunching with retired priests and, like last year, did not appear at the diocesan press conference.

Ayotte complimented the responsiveness of the newly-hired diocesan compliance coordinator, the safe environment coordinators and others in parishes, schools and camps. But she clearly charged senior members of the leadership team with less than optimal commitment to the audit process, marked by a reticence to answer some questions, and parsing the definitions of commonly used terms like 'self-reporting' and 'testing for verification' Word games, throwing the question back on the questioner, straining gnats of interpretation beyond recognition.

The auditors ended their interview with Arsenault after 15 minutes, in frustration with his actions and demeanor. He acknowledged at the press conference that more than one of the three auditors present questioned him when the rules stated only one could talk. He had objected to "unnecessarily aggressive" interviews last year.

Arsenault's style with words was illustrated before when he assured the former attorney general that the diocese had always abided by the sexual abuse reporting law, but neglecting to mention that no report had ever been made since survivors came forward as adults. That misleading omission led the state to insist in the plea bargain agreement that reports will be made no matter when someone comes forward, especially since the abuse records of many priests lasted decades.

And contrary to Arsenault's assurance, the state still found evidence that even though the diocese "had reason to suspect, if not direct proof, that a child was being abused by a priest," no report was made.

When to remove accused priests

A point of contention between state and diocese is when to remove an accused priest. The Agreement specifically says: "Upon receipt of an allegation of sexual abuse, the Diocese will ensure that, pending the resolution of the allegations, the alleged abuser will be removed from any position in which there is the possibility for contact with minors."

The auditors believe there is additional risk if someone is not removed immediately. Arsenault disputes that, and told the auditors, "I don't think the risk exists." He says accusations can be from disturbed individuals, and removal is unnecessary until after an initial investigation. But how long might that take? Arsenault refused to discuss hypotheticals with the auditors.

Without success, the state has asked the diocese twice to update its policy in accord with the Agreement to include immediate removal.

Priest A

Reinforcing their concerns about risk, the auditors mentioned the case of Priest A from last year's audit, where Arsenault and church officials relocated a priest rather than remove him immediately from contact with minors, "despite the identification of potentially inappropriate conduct" with them. Priest A eventually accessed up to 10,000 pages of pornography with adults and teens, including incest, with possible incidents of child pornography. According to the state's 2005 audit, no federal indictment was possible because the child pornography was in the computer's temporary folder, not downloaded. And the state could not find evidence "beyond reasonable doubt."

It took Arsenault four months to report the case to the state because he thought it unnecessary, since no child was sexually abused. He later informed the state only to comply with the "spirit of the Agreement." In light of this case, the state asked the diocese last year to update its policy for the handling of "inappropriate conduct" and repeats the request this year, seeking formal written policies and procedures. When will it be done, if it will be done?

The Priest A case was something not reported in the Diocesan Review Board audit or that of the national bishops' conference. Comparisons of church versus state audits reveal the far more comprehensive and probing nature of detailed, independent outside investigations. As a result, Arsenault's repeated references to numbers trained and screened, and in-house church audits finding full compliance are moot when it comes to restoring trust in him or Bishop McCormack.

Two more "annual" audits?

The diocese is refusing to participate in two more annual state audits and the matter will likely end in court. The Agreement called for five "annual" audits through 2007, but the diocese delayed release of the first state audit until March 2006 by objecting (unsuccessfully) in court to audits that evaluated effectiveness over a checklist compliance with policies and procedures. The state then reduced its request to four audits.

The two completed for 2005 and 2006 took about ten months each, but the diocese will only cooperate through December of this year - by proposing two semi-annual audits within the next seven months. The state wants full, not abbreviated, audits through 2009, in the spirit of the Agreement. Typically, the diocese objects, so the judge will probably decide, after even more episcopal delays and obstruction.

Posted by Frank Douglas

\*\*\*\*\*